

### REMARKS

Claims 1 – 12 are presently pending in the application. A first Office Action was mailed on December 22, 2004.

### ACKNOWLEDGEMENT OF PRIORITY CLAIM AND IDS CONSIDERATION

In the Office Action of December 22, 2004, no indication is provided indicating that Information Disclosure Statements (IDSs) of March 26, 2001 and June 12, 2001 were considered by the Examiner. In addition, no acknowledgement was provided as to receipt of the priority claim and certified priority document (Japanese Patent Application No. 2000-331345). Applicants respectfully request that the Examiner explicitly indicate that the IDSs were considered and formally acknowledge that the priority claim and certified priority document have been received in the next Office Communication for this application.

### REJECTION UNDER 35 U.S.C. §§ 102, 103

In the present Office Action, claims 1 – 3 and 5 - 12 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0188720 to Terrell et al. Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Terrell in view of U.S. Patent No. 5,941,947 to Brown et al. Applicants respectfully traverse these rejections.

In independent claims 1 – 3, 6 and 10, Applicants disclose a network access control method and system for a network system including a network apparatus for regulating network access, a service server connected with an IP network via the network apparatus for providing a service to a user, a user terminal connected with the IP network via the network apparatus, a reception server connected with the IP network via the network apparatus for receiving an access request from the user for the service server, and an access control server controlling the network apparatus. In independent claim 2, for example, Applicants disclose:

A network system comprising:

network apparatuses having packet filtering function;

a service server connected with an IP network via the network apparatus, providing a service to a user;

a user terminal connected with the IP network via the network apparatus, for the user to utilize the service provided by said service server;

a reception server connected with the IP network via the network apparatus, receiving an access from the user for said service server; and

an access control server controlling the network apparatuses,

said reception server having an access registering part which receives access request information from said user terminal, and holds it; and

said access controlling server having a filtering optimizing part which performs traffic control such as to extract, based on a processing capability of said service server and a traffic amount for said service server, such an amount of the access request information held in said access registering part as that said service server can optimally deal with, so as to allow the access for said service server.

Independent claim 2 discloses a related method of network access control. Independent claim 3 is directed to features of the reception server, independent claim 6 is directed to features of the access control server, and independent claim 10 is directed to features of the service server.

Terrell discloses an apparatus for dynamically controlling communications between a client device, a remote device and a controller through a network interface (see, e.g., abstract of Terrell). In the apparatus of Terrell, admission filters are inserted into and removed from the communication path based on an admissions profile maintained by the controller, the profile including various service classifiers which can be applied to transmitted packets on the basis of packet identification information (see, e.g., paragraph [0049] of Terrell). In this manner, the controller is able to dynamically assign an service class for a transmitted packet upon its arrival at the controller.

In sharp contrast to the disclosure of Terrell, Applicants disclose an access control method and system that is not only based on packet identification information, but also requires a specific service request transmitted by a user terminal and a present load state of the service server upon which the service request has been made. For example, as described in independent claim 2, an access request initiated by a user terminal is received by a reception server which holds the access request in an access registering part. An access control server determines a processing capability and a traffic amount for an associated service server, and extracts access request information from the reception server at a rate which ensures that service demands made on the service server represent an optimal load on the service server. Service is enabled in response to extracted service requests via a network apparatus having a packet filtering function, where the network apparatus is controlled by the access control server.

Unlike Applicants' claimed invention, Terrell fails to disclose an access control server that applies access control based on determining a processing capability and a traffic amount associated with the requested service server (see, e.g., independent claim 6 and independent claim 10, which discloses that the service server includes a session finish determining part and a session finish reporting part for reporting to the access control server that server capacity has increased with the termination of a user terminal session). While Terrell discloses a bandwidth broker that administers control by supplying a controller (edge device) with filter information (see, e.g., paragraph [0023] or Terrell), Terrell fails to disclose or suggest that the filter information determined by reference to the process capability of a service server.

In addition, and related to these features, Terrell fails to disclose Applicants' claimed reception server that registers and holds an access request in an access registering part until extracted by the access control server upon confirming that the user request may be optimally

filled by the service server. In particular, unlike Applicants' claimed invention, Terrell neither discloses nor suggests means for delaying the assignment of a service class by queuing associated user access requests. Rather, Terrell teaches that a service class will be assigned upon its arrival at the controller, without any queuing. Thus, Terrell fails to teach or suggest an access control system having a reception server as claimed by Applicants..

Accordingly, Applicant respectfully submits that independent claims 1 - 3, 6 and 10 are not anticipated by Terrell, and are in condition for allowance. As each of dependent claims 4, 5, 7 - 9, 11 and 12 depends from one of allowable independent claims 3 and 6, Applicant further submits that dependent claims 4, 5, 7 - 9, 11 and 12 are allowable for at least this reason.

#### CONCLUSION

In view of the amendments and set forth above, Applicants respectfully submit that the application is in condition for allowance, which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Thomas J. Bean  
Reg. No. 44,528

**CUSTOMER NUMBER 026304**

TELEPHONE: (212) 940-8729

FAX: (212) 940-8986/87

Attorney Docket No.: 100794-11710 (FUJI 18.503)

TJB: fd